

COUNTY COUNCIL  
OF  
HARFORD COUNTY, MARYLAND

BILL NO. 11-04 (As Amended)

Introduced by Council President Boniface at the request of the County Executive

Legislative Day No. 11-05 Date February 8, 2011

AN ACT to repeal and reenact, with amendments, the definitions of "dwelling, high-rise apartment" and "dwelling, mid-rise apartment" of Section 267-4, Definitions, of Article I, General Provisions; to repeal Subsection A(2) of Section 267-12, Zoning Reclassifications, of Article II, Administration and Enforcement; to repeal and reenact, with amendments, Subsection B of Section 267-40, Reforestation, of Article VI, Forest and Tree Conservation; to repeal and reenact, with amendments, Subsection D(3)(c) of Section 267-53, AG Agricultural District; to repeal and reenact, with amendments, Subsection C(3), of Section 267-62, NRD Natural Resource District; and to repeal and reenact, with amendments, Subsection G, of Section 267-62, NRD Natural Resource District, all of Article VII, District Regulations; to add new Subsection (6) to Subsection C, Development standards, of Section 267-74, Garden and mid-rise apartment dwellings (GMA); and to repeal and reenact, with amendments, Subsection D, Permitted uses, of Section 267-76, Mixed use center, all of Article VIII, Design Standards for Special Developments; to repeal and reenact, with amendments, Subsection F(1)(b) and Subsection I(1)(a) of Section 267-88, Specific standards, of Article IX, Special Exceptions, all of Part 1, Standards; to repeal and reenact, with amendments, Subsection A(3)(a)[3] of Section 267-126, Adequate public facilities, of Article XV, Growth Management, of Part 2,

By the Council, February 8, 2011

Introduced, read first time, ordered posted and public hearing scheduled

on: March 8, 2011 Due to failure of the Aegis to advertise,  
the Public Hearing is rescheduled to March 15, 2011

at: 7:00 p.m.

By Order: Mary Kate Herling, Acting Council Administrator

**PUBLIC HEARING**

Having been posted and notice of time and place of hearing and title of Bill having been published according to the Charter, a public hearing was held on March 15, 2011, and concluded on March 15, 2011.

Mary Kate Herling, Acting Council Administrator

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW. [Brackets] indicate matter deleted from existing law. Underlining indicates language added to Bill by amendment. Language lined through indicates matter stricken out of Bill by amendment.

COUNTY COUNCIL  
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HARFORD COUNTY, MARYLAND

BILL NO. 11-04 (As Amended)

Introduced by Council President Boniface at the request of the County Executive

Legislative Day No. 11-05 Date February 8, 2011

Miscellaneous; to repeal and reenact, with amendments, Table 55-4, Design Requirements for Specific Uses, R4 Urban Residential District, all of Chapter 267, Zoning, of the Harford County Code, as amended; to provide for clarification of the definitions of "dwelling, high-rise apartment" and "dwelling, mid-rise apartment"; to eliminate the requirement for a concept plan for a zoning reclassification; to eliminate payment into the forest conservation account in lieu of reforestation; to eliminate the 100-foot setback for private wells on residential lots located on the property on which the agricultural operation occurs; to allow foot or walking trails within the NRD; to allow a portion of the NRD to be located within privately-owned urban residential districts lots on lots greater than 20,000 square feet in minor subdivisions; to provide that the R4 Conventional with Open Space (COS) Design Standards shall be used for development in the B3 Zoning District; to allow in a mixed use center any uses permitted in the B1, B2, B3, CI, LI and R4 Zoning Districts regardless of the underlying zoning district of the property and to revise the permissible percentage of floor area proposed on all plans; to eliminate reference to mid-rise apartments in the special exceptions for high-rise apartments section of the Article IX; to eliminate references to certain outdated federal aviation standards; to eliminate reference to 4-year and 5-year enrollment projections in the annual growth reports; and generally relating to zoning.

By the Council, \_\_\_\_\_

Introduced, read first time, ordered posted and public hearing scheduled

on: \_\_\_\_\_

at: \_\_\_\_\_

By Order: \_\_\_\_\_, Council Administrator

**PUBLIC HEARING**

Having been posted and notice of time and place of hearing and title of Bill having been published according to the Charter, a public hearing was held on \_\_\_\_\_, and concluded on \_\_\_\_\_.

\_\_\_\_\_, Council Administrator

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW. [Brackets] indicate matter deleted from existing law. Underlining indicates language added to Bill by amendment. Language lined through indicates matter stricken out of Bill by amendment.

Section 1. Be It Enacted By The County Council of Harford County, Maryland that the definitions of "dwelling, high-rise apartment" and "dwelling, mid-rise apartment" of Section 267-4, Definitions, of Article I, General Provisions, be, and they are hereby, repealed and reenacted, with amendments; that Subsection A(2) of Section 267-12, Zoning Reclassifications, of Article II, Administration and Enforcement, be, and it is hereby, repealed; that Subsection B of Section 267-40, Reforestation, of Article VI, Forest and Tree Conservation, be, and it is hereby, repealed and reenacted, with amendments; that Subsection D(3)(c) of Section 267-53, AG Agricultural District, be, and it is hereby, repealed and reenacted, with amendments; that Subsection C(3) of Section 267-62, NRD Natural Resources District, be, and it is hereby, repealed and reenacted, with amendments; and that Subsection G of Section 267-62, NRD Natural Resource District, be, and it is hereby, repealed and reenacted, with amendments, all of Article VII, District Regulations; that new Subsection (6) be, and it is hereby, added to Subsection C, Development standards, of Section 267-74, Garden and mid-rise apartment dwellings (GMA); and that Subsection D, Permitted uses, of Section 267-76, Mixed use center, be, and it is hereby, repealed and reenacted, with amendments, all of Article VIII, Design Standards for Special Developments; that Subsection F(1)(b) and Subsection I(1)(a) of Section 267-88, Specific standards, of Article IX, Special Exceptions, be, and ~~it is~~ they are hereby, repealed and reenacted, with amendments, all of Part 1, Standards; that Subsection A(3)(a)[3] of Section 267-126, Adequate public facilities, of Article XV, Growth Management, of Part 2, Miscellaneous, be, and it is hereby, repealed and reenacted, with amendments; that Table 55-4, Design Requirements for Specific Uses, R4 Urban Residential District, be, and it is hereby, repealed and reenacted, with amendments, all of Chapter 267, Zoning, of the Harford County Code, as amended, all to read as follows:

**Chapter 267. Zoning**

**Part 1. Standards**

**Article I. General Provisions**

**§ 267-4. Definitions.**

As used in this Part, the following terms shall have the meanings indicated:

**DWELLING, HIGH-RISE APARTMENT** - A building containing 8 or more dwelling units, [not more than] CONTAINING 6 stories, with a common entry.

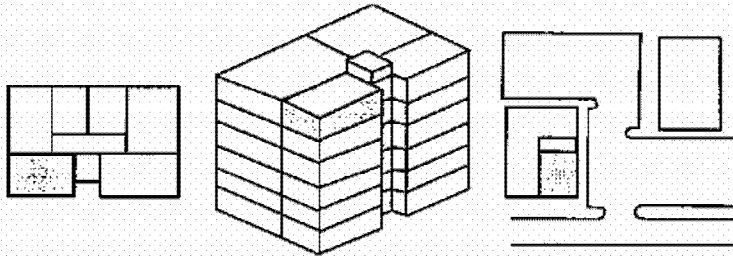


Figure 3 High-Rise Apartment

**DWELLING, MID-RISE APARTMENT** - A building containing 8 or more dwelling units off a common entry with [a maximum of 5] EITHER 4 OR 5 stories.

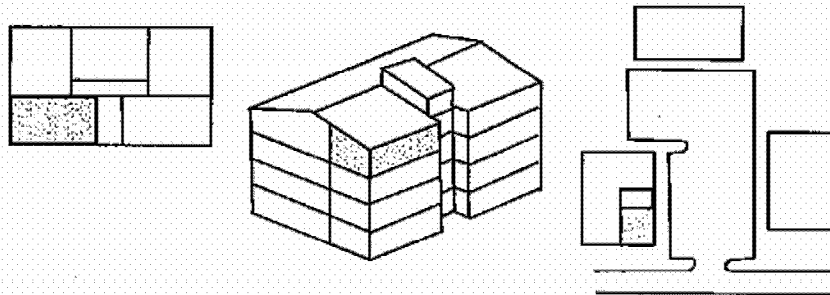


Figure 5 Mid-Rise Apartment

**Article VI. Forest and Tree Conservation**

**§ 267-40. Reforestation.**

B. After every reasonable effort to minimize the cutting or clearing of trees and other woody plants is exhausted in the development of a subdivision plan, and grading and sediment control activities and implementation of the forest conservation plan, the forest conservation plan shall provide for reforestation, [or payment into the forest conservation account,] according to the

formula set forth in Subsection C and consistent with the following forest conservation threshold for the applicable land use category:

Category of Use	Threshold Percentage
Natural resources uses	50%
Low-density and medium-density residential uses	40%
Institutional uses	30%
High-density residential uses	30%
Business and industrial uses	15%

**Article VII. District Regulations**

**§ 267-53. AG Agricultural District.**

D. Specific regulations. Except as restricted by the conservation development standards in § 267-72 (Conservation development standards), the following uses are permitted, subject to the additional requirements below:

(3) Residential development, on parcels as described in the land records as of February 8, 1977, as provided below:

(c) EXCEPT FOR RESIDENTIAL LOTS LOCATED ON THE PROPERTY ON WHICH THE AGRICULTURAL OPERATION OCCURS, [P]Private wells on residential lots shall be set back a minimum of 100 feet from any agricultural operation, facility or any of its appurtenances that has received an agricultural use assessment.

**§ 267-62. NRD Natural Resource District.**

C. Permitted uses. The following land uses shall be permitted, provided that the conditions described herein are met:

(3) The NRD shall not be disturbed, with the following exceptions:

(a) Basic maintenance, including native plantings and invasive species removal.

(b) Passive recreation and FOOT AND WALKING trails. Alteration of the natural environment and removal of surface vegetation in these areas shall be prohibited with the exception of selective clearing to accommodate passive recreation and FOOT AND WALKING trails which are constructed with environmentally friendly materials.

(c) Utility transmission facility.

(d) Road and driveway crossings. The number of road and driveway crossings shall be minimized. If a road or driveway crossing is necessary, it shall cross the stream at a 90-degree angle whenever possible. THE BEST POSSIBLE METHODS SHALL BE USED TO REDUCE STORMWATER DRAINAGE INTO THE STREAM AND TO REMOVE SEDIMENT FROM UNAVOIDABLE DRAINAGE INTO THE STREAM.

(e) Stormwater management facilities.

G. No portion of the Natural Resource District shall be allowed within privately-owned urban residential district lots, EXCEPT FOR THE PANHANDLE PORTION OF ANY RESIDENTIAL LOT AND EXCEPT ON LOTS GREATER THAN 20,000 SQUARE FEET, IN A MINOR SUBDIVISION. In lots adjacent to the Natural Resource District, rear yard setbacks may be reduced up to 50% but in no case shall be less than 20 feet.

**Article VIII. Design Standards for Special Developments**

**§ 267-74. Garden and mid-rise apartment dwellings (GMA).**

C. Development standards.

- (6) FOR DEVELOPMENT IN THE B3 ZONING DISTRICT, WHICH IS LOCATED ENTIRELY WITHIN THE DEVELOPMENT ENVELOPE, THE R4 CONVENTIONAL WITH OPEN SPACE (COS) DESIGN STANDARDS SHALL BE USED. THE PERMITTED DENSITY SHALL NOT EXCEED 20 DWELLING UNITS PER ACRE.

**§ 267-76. Mixed use center.**

D. Permitted uses.

- (1) [All uses permitted by the underlying zoning district.] ANY USE PERMITTED IN THE B1, B2, B3, CI, GI, LI AND R4 ZONING DISTRICTS SHALL BE PERMITTED REGARDLESS OF THE UNDERLYING ZONING DISTRICT OF THE PROPERTY.

- (2) Mix of uses. The following percentage of floor area proposed on site as shown on all plans shall not exceed the following:

Residential uses	75%	IN ACCORDANCE WITH B3 OR R4 REQUIREMENTS AS A PRD OR COS DEVELOPMENT
Service uses	75%	IN ACCORDANCE WITH B3 OR CI REQUIREMENTS
Retail trade	50%	IN ACCORDANCE WITH B3 OR CI REQUIREMENTS
Institutional	50%	IN ACCORDANCE WITH B3, R4, CI, LI OR GI REQUIREMENTS
Industrial	50%	IN ACCORDANCE WITH CI, LI OR GI REQUIREMENTS

1	Motor vehicle/related	25%	IN ACCORDANCE WITH B3 OR CI
2			REQUIREMENTS
3	Warehousing, wholesaling	25%	IN ACCORDANCE WITH CI, LI OR GI
4			REQUIREMENTS
5	All other uses	25%	IN ACCORDANCE WITH B3, R4 OR CI, LI
6			OR GI REQUIREMENTS

**Article IX. Special Exceptions**

**§ 267-88. Specific standards.**

The special exceptions enumerated herein, in addition to other conditions as may be imposed by the Board, shall comply with the following requirements:

**F. Residential uses.**

(1) Apartments, high-rise. These uses may be granted in the R4 and B3 districts, provided that:

(b) The density shall not exceed [20 dwelling units per acre for mid-rise apartments and] 30 dwelling units per acre for high-rise apartments, and the maximum building coverage shall be [40% of the total parcel for mid-rise apartments and] 30% of the total parcel for high-rise apartments.

**I. Transportation, Communications and Utilities (TCU).**

**(1) Aircraft landing and storage, private. This use may be granted in the AG, CI, LI and GI districts, provided that:**

**(a) The airfield is designed in accordance with design criteria recommended in THE LATEST FEDERAL AVIATION ADMINISTRATION advisory circular for utility airports [, AC 150/53004B,] or Heliport Design Guide [, AC**



150/5390-1B, both by the Federal Aviation Administration].

**Part 2. Miscellaneous**

**Article XV. Growth Management**

**§ 267-126. Adequate public facilities.**

A. Annual growth report.

(3) Specific facility analysis. The annual report shall include an analysis of the current and future utilization and capacity of specific public facilities and services. The analysis shall include, but need not be limited to, the following information:


(a) Schools.

[3] One-year, 2-year[,] AND 3-year[, 4-year and 5-year] enrollment projections for each facility, including a description of the method of projecting enrollment in each facility;

Section 2. And Be It Further Enacted that this Act shall take effect 60 calendar days from the date it becomes law.

EFFECTIVE: May 23, 2011

*The Council Administrator does hereby certify that fifteen (15) copies of this Bill are immediately available for distribution to the public and the press.*

  
\_\_\_\_\_  
Acting Council Administrator

**BILL NO. 11-04**  
**As Amended**

HARFORD COUNTY BILL NO. 11-04 As Amended

Brief Title Zoning Code Corrections

is herewith submitted to the County Council of Harford County for enrollment as being the text as finally passed.

**CERTIFIED TRUE AND CORRECT**

Mary Kate Herbig  
Acting Council Administrator

Date March 15, 2011

**ENROLLED**

Ricky Bonifacio  
Council President

Date March 15, 2011

**BY THE COUNCIL**

Read the third time.

Passed: LSD 11-09

Failed of Passage: \_\_\_\_\_

By Order

Mary Kate Herbig  
Acting Council Administrator

Sealed with the County Seal and presented to the County Executive for approval this 16<sup>th</sup> day of March, 2011 at 3:00 p.m.

Mary Kate Herbig  
Acting Council Administrator



**BY THE EXECUTIVE**

Dwight H. Craig  
COUNTY EXECUTIVE

APPROVED: Date March 22, 2011

**BY THE COUNCIL**

This Bill No. 11-04 As Amended, having been approved by the Executive and returned to the Council, becomes law on March 22, 2011.

EFFECTIVE DATE: May 23, 2011

Mary Kate Herbig  
Mary Kate Herbig  
Acting Council Administrator

**BILL NO. 11-04**  
**As Amended**